

EXHIBIT 72

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APPEAL,CLOSED,CUSTODY,INTERPRETER,SL DOC

**U.S. District Court
Middle District of Florida (Ft. Myers)
CRIMINAL DOCKET FOR CASE #: 2:21-cr-00075-SPC-NPM All Defendants**

Case title: USA v. Batista Montijo

Date Filed: 08/25/2021

Date Terminated: 10/27/2022

Assigned to: Judge Sheri Polster Chappell
Referred to: Magistrate Judge Nicholas P. Mizell
Appeals court case number: 22-13666-A USCA

Defendant (1)

Heriberto Batista Montijo
TERMINATED: 10/27/2022

represented by **George Ellis Summers , Jr.**
Federal Public Defender's Office
2075 West First Street
Suite 300
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239/334-0397
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender
Appointment

Melissa Fussell
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Orlando, FL 32801
407-648-6338
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ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender
Appointment

Pending Counts

SEXUAL EXPLOITATION OF CHILDREN
(1)

SEXUAL EXPLOITATION OF CHILDREN
(2)

ACTIVITIES RE MATERIAL
CONSTITUTING/CONTAINING CHILD PORNO
(3)

Disposition

600-MONTHS This term consists of a 360-months as to each of Counts 1 and 2, such terms shall run concurrently, and a term of 240-months as to Count 3, the term imposed in Count 3 shall run consecutively to Counts 1 & 2. The terms of imprisonment imposed by this judgment shall run concurrently with the defendant's anticipated term of imprisonment imposed pursuant to the judgment in Docket Number 21-CF-15332, Lee County Circuit Court, Fort Myers, Florida; Supervised Release: LIFETIME. This term consists of a Lifetime term as to each of Counts 1, 2, and 3, all such terms to run concurrently; Sex Offender Conditions; Special Assessments: \$300; Restitution Hearing set for 1/18/2023 @ 1:30pm; remand to the custody of United States Marshal

600-MONTHS This term consists of a 360-months as to each of Counts 1 and 2, such terms shall run concurrently, and a term of 240-months as to Count 3, the term imposed in Count 3 shall run consecutively to Counts 1 & 2. The terms of imprisonment imposed by this judgment shall run concurrently with the defendant's anticipated term of imprisonment imposed pursuant to the judgment in Docket Number 21-CF-15332, Lee County Circuit Court, Fort Myers, Florida; Supervised Release: LIFETIME. This term consists of a Lifetime term as to each of Counts 1, 2, and 3, all such terms to run concurrently; Sex Offender Conditions; Special Assessments: \$300; Restitution Hearing set for 1/18/2023 @ 1:30pm; remand to the custody of United States Marshal

600-MONTHS This term consists of a 360-months as to each of Counts 1 and 2, such terms shall run concurrently, and a term of 240-months as to Count 3, the term imposed in Count 3

shall run consecutively to Counts 1 & 2. The terms of imprisonment imposed by this judgment shall run concurrently with the defendant's anticipated term of imprisonment imposed pursuant to the judgment in Docket Number 21-CF-15332, Lee County Circuit Court, Fort Myers, Florida; Supervised Release: LIFETIME. This term consists of a Lifetime term as to each of Counts 1, 2, and 3, all such terms to run concurrently; Sex Offender Conditions; Special Assessments: \$300; Restitution Hearing set for 1/18/2023 @ 1:30pm; remand to the custody of United States Marshal

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition**Disposition****Plaintiff**

USA

represented by **James A. Muench**
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 813/274-6000
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ATTORNEY TO BE NOTICED
Designation: Retained

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ATTORNEY TO BE NOTICED
Designation: Retained

| Date Filed | # | Docket Text |
|------------|----------|--|
| 08/25/2021 | <u>1</u> | INDICTMENT returned in open court as to Heriberto Batista Montijo (1) count(s) 1-2, 3. (JK) (Entered: 08/26/2021) |
| 08/26/2021 | <u>4</u> | ORDER as to Heriberto Batista Montijo: Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions. Signed by Judge Timothy J. Corrigan on 12/01/2020. (JK) (Entered: 08/26/2021) |
| 08/26/2021 | <u>5</u> | MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Heriberto Batista Montijo. (Attachments: # <u>1</u> Text of Proposed Order)(Viacava, Yolande) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 08/26/2021) |
| 08/27/2021 | <u>6</u> | ORDER granting <u>5</u> Motion for Writ of Habeas Corpus ad prosequendum WRIT ISSUED as to Heriberto Batista Montijo (1). Signed by Magistrate Judge Nicholas P. Mizell on 8/27/2021. (WRW) (Entered: 08/27/2021) |
| 08/31/2021 | <u>7</u> | NOTICE OF ATTORNEY APPEARANCE James A. Muench appearing for USA. (Muench, James) (Entered: 08/31/2021) |
| 09/08/2021 | 8 | NOTICE OF HEARING as to Heriberto Batista Montijo: Initial Appearance set for 9/8/2021 at 03:00 PM before Magistrate Judge Mac R. McCoy. The Courtroom Deputy will transmit instructions for joining the video conference by separate email to the required participants. NOTE THE FOLLOWING SPECIAL PROCEDURES: (1) Only Defendant, Defendant's counsel, and the interpreter may join the video conference beginning at 3:00 PM to permit Defendant and counsel to confer before the formal hearing begins, and the Court allocates the first 30 minutes of the video conference for that purpose; and (2) all other hearing participants must join the video conference promptly at but no sooner than 3:30 PM, at which time the formal hearing will commence.(WRW) (Entered: 09/08/2021) |
| 09/08/2021 | 10 | ORAL MOTION to Appoint Interpreter, ORAL MOTION to Appoint Counsel by Heriberto Batista Montijo. (WRW) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 09/08/2021) |
| 09/08/2021 | 11 | ORAL MOTION for Discovery by Heriberto Batista Montijo. (WRW) Motions referred to Magistrate Judge Nicholas P. Mizell. |

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| | | (Entered: 09/08/2021) |
| 09/08/2021 | 12 | ORAL MOTION for Reciprocal Discovery by USA as to Heriberto Batista Montijo. (WRW) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 09/08/2021) |
| 09/08/2021 | 13 | ORAL MOTION for entry of Scheduling Order setting this matter for trial by Heriberto Batista Montijo. (WRW) (Entered: 09/08/2021) |
| 09/08/2021 | 14 | ORAL ORDER as to Heriberto Batista Montijo: DUE PROCESS PROTECTION ACT ORAL ORDER. As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Failing to do so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instruction, dismissal of charges and contempt proceedings. Signed by Magistrate Judge Mac R. McCoy on 9/8/2021. (WRW) (Entered: 09/08/2021) |
| 09/08/2021 | 15 | ORAL MOTION for Detention by USA as to Heriberto Batista Montijo. (WRW) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 09/08/2021) |
| 09/08/2021 | 16 | Minute Entry for Virtual proceedings held before Magistrate Judge Mac R. McCoy: granting 10 ORAL Motion to Appoint Interpreter as to Heriberto Batista Montijo (1); granting 10 ORAL Motion to Appoint Counsel as to Heriberto Batista Montijo (1); granting 11 ORAL Motion for Discovery as to Heriberto Batista Montijo (1); granting 12 ORAL Motion for Reciprocal Discovery as to Heriberto Batista Montijo (1); granting 13 ORAL Motion for entry of Scheduling Order setting this matter for trial as to Heriberto Batista Montijo (1); granting 15 ORAL Motion for Detention as to Heriberto Batista Montijo (1); ARRAIGNMENT as to Heriberto Batista Montijo (1) Count 1-2, 3 held on 9/8/2021 Defendant(s) pled not guilty; Initial Appearance as to Heriberto Batista Montijo held on 9/8/2021; Detention Hearing as to Heriberto Batista Montijo held on 9/8/2021. (digital) (Interpreter/Language: Leon Fontova/Spanish) (WRW) (Entered: 09/08/2021) |
| 09/08/2021 | 17 | ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Heriberto Batista Montijo Signed by Magistrate Judge Mac R. McCoy on 9/8/2021. (WRW) (Entered: 09/08/2021) |
| 09/08/2021 | 19 | SCHEDULING ORDER as to Heriberto Batista Montijo Status Conference set for 9/13/2021 at 09:30 AM before Judge Sheri Polster Chappell, Jury Trial set for 10/4/2021 at 09:00 AM before Judge Sheri Polster Chappell Signed by Magistrate Judge Mac R. McCoy on 9/8/2021. (WRW) (Entered: 09/08/2021) |
| 09/08/2021 | 20 | ORDER OF DETENTION PENDING TRIAL as to Heriberto Batista Montijo Signed by Magistrate Judge Mac R. McCoy on 9/8/2021. (WRW) (Entered: 09/08/2021) |
| 09/09/2021 | 21 | NOTICE OF ATTORNEY APPEARANCE: George Ellis Summers, Jr appearing for Heriberto Batista Montijo (Summers, George) (Entered: 09/09/2021) |
| 09/09/2021 | 22 | ARREST Warrant Returned Executed on 09/08/2021 as to Heriberto Batista Montijo. (JK) (Entered: 09/09/2021) |
| 09/12/2021 | 23 | NOTICE TO ALL PARTIES REGARDING CRIMINAL STATUS CONFERENCE SET MONDAY, September 13th, 2021, AT 9:30AM: This hearing will be conducted via teleconference. All participants are instructed to follow the call-in instructions below to join the teleconference. Once you are on the line please mute your phones until your case is called. When your case is complete you may hang-up. DIAL IN INSTRUCTIONS: TOLL FREE NUMBER: 1-888-684-8852, ACCESS CODE: 9040683. Dial in at least 5 minutes before hearing time. Landline preferred. Do not use the speaker phone feature during the call. (AEH) (Entered: 09/12/2021) |
| 09/13/2021 | 24 | Minute Entry for Telephonic proceedings held before Magistrate Judge Nicholas P. Mizell: STATUS Conference as to Heriberto Batista Montijo held on 9/13/2021. Court Reporter: Stacey Raikes (AEH) (Entered: 09/13/2021) |
| 09/13/2021 | 25 | ORAL MOTION to Continue trial by Heriberto Batista Montijo. (AEH) (Entered: 09/13/2021) |
| 09/13/2021 | 26 | ORAL ORDER granting (D.E. 25) ORAL Motion to Continue as to Heriberto Batista Montijo. The Court finds that the ends of justice served by granting such a continuance outweigh the best interest of the public and the defendant's in a speedy trial. The Court, therefore, determines that the time from today until the end of the December 2021 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing December 1, 2021 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for November 8th, 2021 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants are instructed to mute phone upon joining the teleconference and remain muted until your case is called. When your case is complete you may hang-up. DIAL IN INSTRUCTIONS: TOLL FREE NUMBER: 1-888-684-8852, ACCESS CODE: 9040683. Dial in at least 5 minutes before hearing time. Landline preferred. Do not use the speaker phone feature during the call. Signed by Magistrate Judge Nicholas P. Mizell on 9/13/2021. (AEH) (Entered: 09/13/2021) |
| 09/22/2021 | 27 | NOTICE of Discovery Response by USA as to Heriberto Batista Montijo (Attachments: # 1 Exhibit)(Viacava, Yolande) (Entered: 09/22/2021) |
| 10/14/2021 | 28 | MOTION to Suppress and Memorandum of Law in Support Thereof by Heriberto Batista Montijo. (Summers, George) (Entered: 10/14/2021) |
| 10/15/2021 | 29 | EVIDENTIARY HEARING SCHEDULING ORDER as to Heriberto Batista Montijo: an Evidentiary Hearing on the Defendant Heriberto Batista Montijo's Motion to Suppress is set for 11/2/2021 at 9:30 AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. See order for additional court directives and deadlines. Signed by Judge Sheri Polster Chappell on 10/15/2021. (AEH) (Entered: 10/15/2021) |
| 10/15/2021 | 30 | NOTICE OF EVIDENTIARY HEARING on Defendant Heriberto Batista Montijo's Motion to Suppress: an Evidentiary Hearing is set for 11/2/2021 at 9:30 AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. See scheduling order (Doc. 29). (AEH) (Entered: 10/15/2021) |
| 10/27/2021 | 31 | First MOTION to Extend Time to Respond to Defendant's Motion to Suppress by USA as to Heriberto Batista Montijo. (Viacava, Yolande) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 10/27/2021) |
| 10/27/2021 | 32 | ENDORSED ORDER granting the Government's Unopposed Motion to Extend Time to Respond to Defendant's Motion to Suppress (Doc. 31). The time for the Government to respond to Defendant Heriberto Batista Montijo's Motion to Suppress (Doc. 28) is extended to November 5, 2021. The Clerk SHALL reschedule the November 2, 2021 suppression hearing to a date after November 5, 2021. Signed by Judge Sheri Polster Chappell on 10/27/2021. (AEH) (Entered: 10/27/2021) |

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| 10/28/2021 | 33 | NOTICE OF RESCHEDULING EVIDENTIARY HEARING on Defendant Heriberto Batista Montijo's Motion to Suppress: The Evidentiary hearing previously scheduled for 11/2/2021 is rescheduled. The new hearing date and time are as follows: Evidentiary Hearing is now set for 11/16/2021 at 9:30AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. (AEH) (Entered: 10/28/2021) |
| 10/28/2021 | 34 | AMENDED EVIDENTIARY HEARING SCHEDULING ORDER as to Heriberto Batista Montijo: an Evidentiary Hearing on the Defendant Heriberto Batista Montijo's Motion to Suppress is set for 11/16/2021 at 9:30 AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. See order for additional court directives and deadlines. Signed by Judge Sheri Polster Chappell on 10/28/2021. (AEH) (Entered: 10/28/2021) |
| 11/05/2021 | 35 | Unopposed MOTION for Leave to File Document <i>in Excess of Twenty Pages</i> by USA as to Heriberto Batista Montijo. (Viacava, Yolande) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 11/05/2021) |
| 11/05/2021 | 36 | ORDERED: The Government's Unopposed Motion for Leave to File a Response and Memorandum in Excess of Twenty Pages (Doc. 35) is DENIED without prejudice. Signed by Judge Sheri Polster Chappell on 11/5/2021. (AEH) (Entered: 11/05/2021) |
| 11/05/2021 | 37 | RESPONSE in Opposition by USA as to Heriberto Batista Montijo re 28 MOTION to Suppress <i>and Memorandum of Law in Support Thereof</i> (Attachments: # 1 Exhibit A - Facebook Declaration, # 2 Exhibit B - NCMEC, # 3 Exhibit C - Affidavit)(Viacava, Yolande) (Entered: 11/05/2021) |
| 11/08/2021 | 38 | MOTION for Leave to File Document <i>Under Seal Application for Issuance of a Subpoena Duces Tecum Pursuant to Rule 17(a) and (b)</i> by Heriberto Batista Montijo. (Summers, George) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 11/08/2021) |
| 11/08/2021 | 39 | ENDORSED ORDER directing Defendant to file a reply to the Government's Response in Opposition to Defendant's Motion for Pre-Trial Suppression Hearing (Doc. 37), not to exceed ten pages in length, on or before noon on November 15, 2021. Signed by Judge Sheri Polster Chappell on 11/8/2021. (CMC) (Entered: 11/08/2021) |
| 11/08/2021 | 40 | ENDORSED ORDER granting 38 Motion for Leave to File Under Seal Application for Issuance of Subpoenas. To avoid any disclosure of defense counsel's potential strategy considerations, Defendant Montijo may file the application in an envelope bearing the caption of this case and a statement that the contents are to be filed under seal pursuant to this order. The application will be sealed until 90 days after the case is closed and all appeals exhausted. Signed by Magistrate Judge Nicholas P. Mizell on 11/8/2021. (Mizell, Nicholas) (Entered: 11/08/2021) |
| 11/08/2021 | 49 | Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Heriberto Batista Montijo held on 11/8/2021. Court Reporter: Jeffrey G. Thomas (JGG) (Entered: 11/15/2021) |
| 11/08/2021 | 50 | ORAL MOTION to Continue trial by Heriberto Batista Montijo. (JGG) (Entered: 11/15/2021) |
| 11/08/2021 | 51 | ENDORSED ORDER granting 50 Motion to Continue as to Heriberto Batista Montijo (1). The Court finds that the ends of justice served by granting such a continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court, therefore, determines that the time from today until the end of the January 2022 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing January 3, 2022 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for December 13, 2021 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants are instructed to mute phone(s) upon joining the teleconference and remain muted until your case is called. When your case is complete you may hang-up. Dial in at least 5 minutes before hearing time. Landline preferred. Do not use the speaker phone feature during the call. DIAL-IN INSTRUCTIONS: TOLL FREE NUMBER: 1-888-684-8852, ACCESS CODE: 9040683. Signed by Judge Sheri Polster Chappell on 11/15/2021. (JGG) (Entered: 11/15/2021) |
| 11/10/2021 | 41 | NOTICE OF RESCHEDULING EVIDENTIARY HEARING on Defendant Heriberto Batista Montijo's Motion to Suppress: The Evidentiary hearing previously scheduled for 11/16/2021 is rescheduled. The new hearing date and time are as follows: Evidentiary Hearing is now set for 12/7/2021 at 9:30AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. (AEH) (Entered: 11/10/2021) |
| 11/10/2021 | 42 | NOTICE OF RESCHEDULING EVIDENTIARY HEARING (AS TO TIME ONLY): The Evidentiary hearing as to Heriberto Batista Montijo previously scheduled to begin at 9:30AM on 12/7/2021 is rescheduled. The Evidentiary Hearing is now set to begin at 9:00AM on 12/7/2021 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. (AEH) (Entered: 11/10/2021) |
| 11/10/2021 | 43 | SECOND AMENDED EVIDENTIARY HEARING SCHEDULING ORDER as to Heriberto Batista Montijo: Evidentiary Hearing set for 12/7/2021 at 9:30AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. See order for additional court directives and deadlines. Signed by Judge Sheri Polster Chappell on 11/10/2021. (AEH) EVIDENTIARY HEARING WILL START AT 9:00AM, AS PER DOCKET ENTRY 42. Modified on 11/22/2021 to add note re: hearing start time (AEH). (Entered: 11/10/2021) |
| 11/15/2021 | 48 | REPLY TO RESPONSE to Motion by Heriberto Batista Montijo re 28 MOTION to Suppress <i>and Memorandum of Law in Support Thereof</i> (Attachments: # 1 Exhibit A)(Summers, George) Modified as to duplicate docket text on 11/15/2021 (JK). (Entered: 11/15/2021) |
| 12/03/2021 | 52 | NOTICE OF RESCHEDULING EVIDENTIARY HEARING on Defendant Heriberto Batista Montijo's Motion to Suppress (AS TO COURTROOM ONLY). The evidentiary hearing on Defendant Heriberto Batista Montijo's Motion to Suppress set for 12/7/2021 at 9:00AM before Judge Sheri Polster Chappell will now be conducted in Ft. Myers Courtroom 6A. (AEH) (Entered: 12/03/2021) |
| 12/06/2021 | 53 | WITNESS LIST by USA as to Heriberto Batista Montijo (Viacava, Yolande) (Entered: 12/06/2021) |
| 12/06/2021 | 54 | EXHIBIT LIST by USA as to Heriberto Batista Montijo (Viacava, Yolande) (Entered: 12/06/2021) |
| 12/06/2021 | 55 | Unopposed MOTION for Protective Order by USA as to Heriberto Batista Montijo. (Attachments: # 1 Text of Proposed Order)(Viacava, Yolande) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 12/06/2021) |
| 12/07/2021 | 56 | EXHIBIT LIST by Heriberto Batista Montijo (Summers, George) (Entered: 12/07/2021) |
| 12/07/2021 | 57 | WITNESS LIST by Heriberto Batista Montijo (Summers, George) (Entered: 12/07/2021) |
| 12/07/2021 | 58 | EXHIBIT LIST by USA as to Heriberto Batista Montijo (Viacava, Yolande) (Entered: 12/07/2021) |

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| 12/07/2021 | 59 | Minute Entry for In Person proceedings held before Judge Sheri Polster Chappell: EVIDENTIARY Hearing as to Heriberto Batista Montijo held on 12/7/2021. Court Reporter: Stacey Raikes (Interpreter/Language: Leon Fontova & Gabriella Loncar - Spanish) (AEH) (Additional attachment(s) added on 2/9/2022: # 1 Exhibit Exhibit List, # 2 Exhibit Gov't 1, # 3 Exhibit Gov't 2, # 4 Exhibit Gov't 4a, # 5 Exhibit Gov't 4b, # 6 Exhibit Gov't 5a, # 7 Exhibit Gov't 5b, # 8 Exhibit Gov't 6) (AEH). (Entered: 12/07/2021) |
| 12/07/2021 | 60 | ORAL MOTION to Continue trial term to February 2022 by Heriberto Batista Montijo. (AEH) (Entered: 12/07/2021) |
| 12/07/2021 | 61 | ORAL ORDER granting D.E. 60 Defendant Heriberto Batista Montijo's Oral Motion to Continue Trial Term. The Court, therefore, determines that the time from today until the end of the February 2022 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing February 1, 2022 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for January 10, 2021 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants are instructed to mute phone upon joining the teleconference and remain muted until your case is called. When your case is complete you may hang-up. Dial in at least 5 minutes before hearing time. Landline preferred. Do not use the speaker phone feature during the call. DIAL-IN INSTRUCTIONS: TOLL FREE NUMBER: 1-888-684-8852, ACCESS CODE: 9040683. Signed by Judge Sheri Polster Chappell on 12/7/2021. (AEH) (Entered: 12/07/2021) |
| 12/16/2021 | 62 | ORDER granting 55 Unopposed Motion for Protective Order. See Protective Order for details. Signed by Magistrate Judge Nicholas P. Mizell on 12/16/2021. (SM) (Entered: 12/16/2021) |
| 01/07/2022 | 63 | NOTICE TO ALL PARTIES REGARDING JANUARY 10TH, 2022 CRIMINAL STATUS CONFERENCE HEARING: The Status Conference set for 1/10/2022 at 9:30 AM before Judge Sheri Polster Chappell will be conducted via teleconference; the defendant's presence IS NOT REQUIRED. Participants are instructed to follow the call-in instructions to join the teleconference and follow the prompts. DIAL IN INSTRUCTIONS: TELEPHONE NUMBER: 1-689-223-3510, CONFERENCE ID: 247 961 345#. Dial in at least 5 minutes before hearing time. Landline preferred. Do not use the speaker phone feature during the call. (AEH) (Entered: 01/07/2022) |
| 01/10/2022 | 64 | Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Heriberto Batista Montijo held on 1/10/2022. Court Reporter: Stacey Raikes (AEH) (Entered: 01/10/2022) |
| 01/10/2022 | 65 | ORAL MOTION to Continue trial by Heriberto Batista Montijo. (AEH) (Entered: 01/10/2022) |
| 01/10/2022 | 66 | ORAL ORDER granting D.E. 65 Defendant Heriberto Batista Montijo's Oral Motion to Continue Trial Term. The Court, therefore, determines that the time from today until the end of the March 2022 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing March 1, 2022 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for February 14, 2022 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants shall receive call-in instructions for joining hearing by separate notice. Signed by Judge Sheri Polster Chappell on 1/10/2022. (AEH) Modified on 1/11/2022 (AEH). (Entered: 01/10/2022) |
| 01/10/2022 | 67 | ORDERED: Defendant Heriberto Batista Montijo's Motion for Pre-Trial Suppression Hearing (Doc. 28) is DENIED. Signed by Judge Sheri Polster Chappell on 1/10/2022. (AEH) (Entered: 01/10/2022) |
| 02/13/2022 | 73 | NOTICE TO ALL PARTIES REGARDING FEBRUARY 14TH, 2022 CRIMINAL STATUS CONFERENCE HEARING: The Status Conference set for 2/14/2022 at 9:30 AM before Judge Sheri Polster Chappell will be conducted via teleconference; the defendant's presence IS NOT REQUIRED. Participants are instructed to follow the call-in instructions to join the teleconference and follow the prompts. DIAL IN INSTRUCTIONS: TELEPHONE NUMBER: 1-689-223-3510, CONFERENCE ID: 739 769 413#. Dial in at least 5 minutes before hearing time. Landline preferred. Do not use the speaker phone feature during the call.(AEH)(AEH) (Entered: 02/13/2022) |
| 02/14/2022 | 74 | Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Heriberto Batista Montijo held on 2/14/2022. Court Reporter: Stacey Raikes (AEH) (Entered: 02/14/2022) |
| 02/14/2022 | 75 | ORAL MOTION to Continue trial by Heriberto Batista Montijo. (AEH) (Entered: 02/14/2022) |
| 02/14/2022 | 76 | ORAL ORDER granting D.E. 75 Defendant Heriberto Batista Montijo's Oral Motion to Continue Trial Term. The Court finds that the ends of justice served by granting such a continuance outweigh the best interest of the public and the defendant's in a speedy trial. The Court, therefore, determines that the time from today until the end of the April 2022 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing April 4, 2022 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for March 14, 2022 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants shall receive call-in instructions for joining hearing by separate notice. Signed by Judge Sheri Polster Chappell on 2/14/2022. (AEH) (Entered: 02/14/2022) |
| 03/08/2022 | 80 | TRANSCRIPT of Motion to Suppress Hearing as to Heriberto Batista Montijo held on December 7, 2021 before Judge Sheri Polster Chappell. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 3/29/2022 Redacted Transcript Deadline set for 4/8/2022 Release of Transcript Restriction set for 6/6/2022. (SER) (Entered: 03/08/2022) |
| 03/08/2022 | 81 | NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Heriberto Batista Montijo. Court Reporter: Stacey Raikes (SER) (Entered: 03/08/2022) |
| 03/14/2022 | 85 | Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Heriberto Batista Montijo held on 3/14/2022. Court Reporter: Stacey Raikes (AEH) (Entered: 03/15/2022) |
| 03/14/2022 | 86 | ORAL MOTION to Continue trial by Heriberto Batista Montijo. (AEH) (Entered: 03/15/2022) |
| 03/14/2022 | 87 | ORAL ORDER granting 86 ORAL Motion to Continue Trial Term as to Heriberto Batista Montijo. The Court finds that the ends of justice served by granting such a continuance outweigh the best interest of the public and the defendant's in a speedy trial. The Court, therefore, determines that the time from today until the end of the May 2022 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing May 2, 2022 in Ft. Myers Courtroom 5D |

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| | | before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for April 11th, 2022 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants shall receive call-in instructions for joining hearing by separate notice. Signed by Judge Sheri Polster Chappell on 3/14/2022. (AEH) (Entered: 03/15/2022) |
| 04/08/2022 | 91 | NOTICE TO ALL PARTIES REGARDING APRIL 11TH, 2022 CRIMINAL STATUS CONFERENCE HEARING: The Status Conferences set for 4/11/2022 at 9:30 AM before Judge Sheri Polster Chappell will be conducted via teleconference; the defendant's presence IS NOT REQUIRED. Participants are instructed to follow the call-in instructions to join the teleconference and follow the prompts. DIAL IN INSTRUCTIONS: TELEPHONE NUMBER: 1-239-673-2222, CONFERENCE I.D.: 739 769 413#. Dial in at least 5 minutes before hearing time. Landline preferred - DO NOT USE SPEAKERPHONE FEATURE DURING THE CALL. (AEH) (Entered: 04/08/2022) |
| 04/11/2022 | 92 | Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Heriberto Batista Montijo held on 4/11/2022. Court Reporter: Jeffrey G. Thomas (AEH) (Entered: 04/12/2022) |
| 04/11/2022 | 93 | ORAL MOTION to Continue trial by Heriberto Batista Montijo. (AEH) (Entered: 04/12/2022) |
| 04/11/2022 | 94 | ORAL ORDER granting D.E. 93 ORAL Motion to Continue Trial Term as to Heriberto Batista Montijo. The Court finds that the ends of justice served by granting such a continuance outweigh the best interest of the public and the defendant's in a speedy trial. The Court, therefore, determines that the time from today until the end of the June 2022 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing June 1, 2022 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for May 9th, 2022 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants shall receive call-in instructions for joining hearing by separate notice. Signed by Judge Sheri Polster Chappell on 4/11/2022. (AEH) (Entered: 04/12/2022) |
| 05/08/2022 | 98 | NOTICE TO ALL PARTIES REGARDING MAY 9TH, 2022 CRIMINAL STATUS CONFERENCE HEARING: The Status Conferences set for 5/9/2022 at 9:30 AM before Judge Sheri Polster Chappell will be conducted via teleconference; the defendant's presence IS NOT REQUIRED. Participants are instructed to follow the call-in instructions to join the teleconference and follow the prompts. DIAL IN INSTRUCTIONS: TELEPHONE NUMBER: 1-239-673-2222, CONFERENCE I.D.: 739 769 413#. Dial in at least 5 minutes before hearing time. Landline preferred - DO NOT USE SPEAKERPHONE FEATURE DURING THE CALL.(AEH) (Entered: 05/08/2022) |
| 05/09/2022 | 99 | Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Heriberto Batista Montijo held on 5/9/2022. Court Reporter: Stacey Raikes (AEH) (Entered: 05/10/2022) |
| 05/09/2022 | 100 | ORAL MOTION to Continue trial by Heriberto Batista Montijo. (AEH) (Entered: 05/10/2022) |
| 05/09/2022 | 101 | ORAL ORDER granting D.E. 100 ORAL Motion to Continue Trial Term as to Heriberto Batista Montijo. The Court finds that the ends of justice served by granting such a continuance outweigh the best interest of the public and the defendant's in a speedy trial. The Court, therefore, determines that the time from today until the end of the July 2022 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing July 5, 2022 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for June 6th, 2022 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants shall receive call-in instructions for joining hearing by separate notice. Signed by Judge Sheri Polster Chappell on 5/9/2022. (AEH) (Entered: 05/10/2022) |
| 06/07/2022 | 102 | NOTICE OF HEARING as to Heriberto Batista Montijo: Change of Plea Hearing set for 6/27/2022 at 11:00 AM in Ft. Myers Courtroom 4 E before Magistrate Judge Nicholas P. Mizell. (WRW) (Entered: 06/07/2022) |
| 06/07/2022 | 103 | Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Heriberto Batista Montijo held on 6/7/2022. PLEA DEADLINE EXTENDED TO JULY 15, 2022. Court Reporter: Stacey Raikes (AEH) (Entered: 06/08/2022) |
| 06/14/2022 | 104 | CONSENT regarding entry of a plea of guilty and waiver of objection to report and recommendation as to Heriberto Batista Montijo (Summers, George) (Entered: 06/14/2022) |
| 06/15/2022 | 105 | WAIVER of Objection to Report and Recommendation by USA as to Heriberto Batista Montijo. (Viacava, Yolande) (Entered: 06/15/2022) |
| 06/24/2022 | 106 | NOTICE of maximum penalty, elements of offense, personalization of elements and factual basis by USA as to Heriberto Batista Montijo (Viacava, Yolande) (Entered: 06/24/2022) |
| 06/27/2022 | 107 | Minute Entry for In Person proceedings held before Magistrate Judge Nicholas P. Mizell: Change of Plea Hearing as to Heriberto Batista Montijo held on 6/27/2022. (DIGITAL) (Interpreter/Language: Leon Fontova/Spanish) (WRW) (Entered: 06/27/2022) |
| 06/27/2022 | 108 | REPORT AND RECOMMENDATION Concerning Plea of Guilty re: count(s) One, Two and Three of the Indictment as to Heriberto Batista Montijo. Signed by Magistrate Judge Nicholas P. Mizell on 6/27/2022. (WRW) (Entered: 06/27/2022) |
| 06/28/2022 | 110 | ACCEPTANCE OF PLEA of guilty and adjudication of guilt re: counts One, Two and Three of the Indictment as to Heriberto Batista Montijo. Signed by Judge Sheri Polster Chappell on 6/28/2022. (Sentencing is set for 10/3/2022 at 2:00PM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell.) (AEH) (Entered: 06/28/2022) |
| 06/28/2022 | 111 | SENTENCING SCHEDULING ORDER as to Heriberto Batista Montijo: Sentencing is set for 10/3/2022 at 2:00PM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. Signed by Judge Sheri Polster Chappell on 6/28/2022. (AEH) (Entered: 06/28/2022) |
| 06/30/2022 | 113 | MOTION for Forfeiture of a Preliminary Order by USA as to Heriberto Batista Montijo. (Muench, James) (Entered: 06/30/2022) |
| 07/11/2022 | 114 | ORDER granting (Doc. 113) Motion for Preliminary Order of Forfeiture of as to Heriberto Batista Montijo. Signed by Judge Sheri Polster Chappell on 7/11/2022. (AEH) (Entered: 07/11/2022) |
| 08/08/2022 | 115 | Unopposed MOTION for Miscellaneous Relief, specifically Requesting an order clarifying that defendant shall not be released prior to sentencing by Heriberto Batista Montijo. (Summers, George) (Entered: 08/08/2022) |
| 08/12/2022 | 116 | PROOF OF PUBLICATION as to Heriberto Batista Montijo newspaper: Official Government Internet Site (www.forfeiture.gov) dates of publication: 30 consecutive days from July 13, 2022 through August 11, 2022. (Muench, James) (Entered: 08/12/2022) |

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| 08/16/2022 | 117 | ORDER granting 115 Defendant's motion for clarification about his detention status. Montijo will remain in the custody of the United States Marshal pending sentencing and remand to the Federal Bureau of Prisons. Signed by Magistrate Judge Nicholas P. Mizell on 8/16/2022. (BB) (Entered: 08/16/2022) |
| 09/26/2022 | 121 | NOTICE OF RESCHEDULING SENTENCING HEARING: The Sentencing hearing as to Heriberto Batista Montijo previously scheduled for 10/3/2022 is rescheduled. The new hearing date and time are as follows: Sentencing is now set for 10/17/2022 at 1:30PM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. (AEH) (Entered: 09/26/2022) |
| 10/07/2022 | 122 | SENTENCING MEMORANDUM by Heriberto Batista Montijo (Summers, George) (Entered: 10/07/2022) |
| 10/07/2022 | 123 | MOTION for Forfeiture of a Final Order by USA as to Heriberto Batista Montijo. (Muench, James) (Entered: 10/07/2022) |
| 10/11/2022 | 124 | NOTICE OF RESCHEDULING SENTENCING HEARING: The Sentencing hearing as to Heriberto Batista Montijo previously scheduled for 10/17/2022 is rescheduled. The new hearing date and time are as follows: Sentencing is now set for 10/25/2022 at 9:30AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. (AEH) (Entered: 10/11/2022) |
| 10/25/2022 | 125 | Minute Entry for In Person proceedings held before Judge Sheri Polster Chappell: SENTENCING held on 10/25/2022 for Heriberto Batista Montijo, Counts 1-2, 3, 600-MONTHS, such term consists of 360-months as to each of Counts 1 and 2, such terms shall run concurrently, and a term of 240-months as to Count 3, the term imposed in Count 3 shall run consecutively to Counts 1 & 2. The terms of imprisonment imposed by this judgment shall run concurrently with the defendant's anticipated term of imprisonment imposed pursuant to the judgment in Docket Number 21-CF-15332, Lee County Circuit Court, Fort Myers, Florida; Supervised Release: LIFETIME term of supervised release. This term consists of a Lifetime term as to each of Counts 1, 2, and 3, all such terms to run concurrently; Sex Offender Conditions; Special Assessments: \$300; Forfeiture included in judgment; Restitution Hearing set for 1/18/2023 @ 1:30pm; remand to the custody of United States Marshal. Court Reporter: Stacey Raikes (Interpreter/Language: Gabriella Pedroza-Harding and Jesse Leonor - Spanish) (AEH) (Entered: 10/25/2022) |
| 10/25/2022 | 126 | NOTICE OF RESTITUTION HEARING as to Heriberto Batista Montijo: a Restitution Hearing is set for 1/18/2023 at 1:30PM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. (AEH) (Entered: 10/25/2022) |
| 10/27/2022 | 127 | JUDGMENT as to Heriberto Batista Montijo, Counts 1-2 and Count 3, 600-MONTHS This term consists of a 360-months as to each of Counts 1 and 2, such terms shall run concurrently, and a term of 240-months as to Count 3, the term imposed in Count 3 shall run consecutively to Counts 1 & 2. The terms of imprisonment imposed by this judgment shall run concurrently with the defendant's anticipated term of imprisonment imposed pursuant to the judgment in Docket Number 21-CF-15332, Lee County Circuit Court, Fort Myers, Florida; Supervised Release: LIFETIME term of supervised release. This term consists of a Lifetime term as to each of Counts 1, 2, and 3, all such terms to run concurrently; Sex Offender Conditions; Special Assessments: \$300; Restitution Hearing set for 1/18/2023 @ 1:30pm; remand to the custody of United States Marshal. Signed by Judge Sheri Polster Chappell on 10/26/2022. (AEH) (Entered: 10/27/2022) |
| 10/27/2022 | 129 | NOTICE OF APPEAL by Heriberto Batista Montijo re 127 Judgment,. Filing fee not paid (Summers, George) (Entered: 10/27/2022) |
| 10/31/2022 | 130 | TRANSMITTAL of initial appeal package as to Heriberto Batista Montijo to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re 129 Notice of Appeal. Eleventh Circuit Transcript information form forwarded to pro se litigants and available to counsel at www.flmd.uscourts.gov under Forms and Publications/General. (SEH) (Entered: 10/31/2022) |
| 11/01/2022 | | USCA Case Number as to Heriberto Batista Montijo. USCA Number: 22-13666-A for 129 Notice of Appeal filed by Heriberto Batista Montijo. (SEH) (Entered: 11/03/2022) |
| 11/02/2022 | 131 | NOTICE OF ATTORNEY APPEARANCE: Melissa Fussell appearing for Heriberto Batista Montijo <i>for Appellate Purposes Only</i> (Fussell, Melissa) (Entered: 11/02/2022) |
| 11/03/2022 | 132 | TRANSCRIPT information form filed by Heriberto Batista Montijo for proceedings held on 09/08/2021 & 06/27/2022 before Judge Mac R. McCoy & Nicholas P. Mizell re 129 Notice of Appeal. USCA number: 22-13666. (Fussell, Melissa) (Entered: 11/03/2022) |
| 11/03/2022 | 133 | TRANSCRIPT information form filed by Heriberto Batista Montijo for proceedings held on 11/08/2021 & 04/11/2022 before Judge Sheri Polster Chappell re 129 Notice of Appeal. USCA number: 22-13666. (Fussell, Melissa) (Entered: 11/03/2022) |
| 11/03/2022 | 134 | TRANSCRIPT information form filed by Heriberto Batista Montijo for proceedings held on 09/13/2021; 12/07/2021; 01/10/2022; 02/14/2022; 03/14/2022; 05/09/2022; 06/06/2022 & 10/25/2022 before Judge Nicholas P. Mizell & Sheri Polster Chappell re 129 Notice of Appeal. USCA number: 22-13666. (Fussell, Melissa) (Entered: 11/03/2022) |
| 11/17/2022 | 135 | COURT REPORTER ACKNOWLEDGMENT by Stacey Raikes re 129 Notice of Appeal as to Heriberto Batista Montijo. Estimated transcript filing date: December 17, 2022. USCA number: 22-13666. (SER) (Entered: 11/17/2022) |
| 11/22/2022 | 136 | ORDER granting the United States' Motion for Final Order of Forfeiture as to Heriberto Batista Montijo (Doc. 123). Signed by Judge Sheri Polster Chappell on 11/21/2022. (AEH) (Entered: 11/22/2022) |
| 11/23/2022 | 137 | COURT REPORTER ACKNOWLEDGMENT by Jeffrey G. Thomas re 129 Notice of Appeal as to Heriberto Batista Montijo. Estimated transcript filing date: 12/03/22. USCA number: 22-13666. (JGT) (Entered: 11/23/2022) |
| 11/23/2022 | 138 | COURT REPORTER ACKNOWLEDGMENT by Jeffrey G. Thomas re 129 Notice of Appeal as to Heriberto Batista Montijo. Estimated transcript filing date: 12/03/22. USCA number: 22-13666. (JGT) (Entered: 11/23/2022) |
| 12/02/2022 | 139 | TRANSCRIPT of Initial Appearance, Digitally Recorded, as to Heriberto Batista Montijo held on 09/08/21 before Judge Mac R. McCoy. Court Reporter/Transcriber Jeffrey G. Thomas, Telephone number (239) 461-2033. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 12/23/2022 Redacted Transcript Deadline set for 1/3/2023 Release of Transcript Restriction set for 3/2/2023. (JGT) (Entered: 12/02/2022) |
| 12/02/2022 | 140 | TRANSCRIPT of Status Conference as to Heriberto Batista Montijo held on 11/08/21/ before Judge Sheri Polster Chappell. Court Reporter/Transcriber Jeffrey G. Thomas, Telephone number (239) 461-2033. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be |

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| | | obtained through PACER or purchased through the Court Reporter. Redaction Request due 12/23/2022 Redacted Transcript Deadline set for 1/3/2023 Release of Transcript Restriction set for 3/2/2023. (JGT) (Entered: 12/02/2022) |
| 12/02/2022 | 141 | TRANSCRIPT of Status Conference as to Heriberto Batista Montijo held on 04/11/22 before Judge Sheri Polster Chappell. Court Reporter/Transcriber Jeffrey G. Thomas, Telephone number (239) 461-2033. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 12/23/2022 Redacted Transcript Deadline set for 1/3/2023 Release of Transcript Restriction set for 3/2/2023. (JGT) (Entered: 12/02/2022) |
| 12/02/2022 | 142 | TRANSCRIPT of Digitally Recorded Change of Plea as to Heriberto Batista Montijo held on 06/27/22 before Judge Nicholas P. Mizell. Court Reporter/Transcriber Jeffrey G. Thomas, Telephone number (239) 461-2033. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 12/23/2022 Redacted Transcript Deadline set for 1/3/2023 Release of Transcript Restriction set for 3/2/2023. (JGT) (Entered: 12/02/2022) |
| 12/02/2022 | 143 | NOTIFICATION that transcript has been filed by Jeffrey G. Thomas re: 129 Notice of Appeal as to Heriberto Batista Montijo USCA number: 22-13666 (JGT) (Entered: 12/02/2022) |
| 12/02/2022 | 144 | NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Heriberto Batista Montijo. Court Reporter: Jeffrey G. Thomas (JGT) (Entered: 12/02/2022) |
| 12/14/2022 | 145 | TRANSCRIPT of Telephonic Status Hearing for dates of September 13, 2021 held before Judge Nicholas P. Mizell, re: 129 Notice of Appeal as to Heriberto Batista Montijo. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 1/4/2023 Redacted Transcript Deadline set for 1/17/2023 Release of Transcript Restriction set for 3/14/2023. (SER) (Entered: 12/14/2022) |
| 12/14/2022 | 146 | TRANSCRIPT telephonic of Status Hearing for dates of January 10, 2022 held before Judge Sheri Polster Chappell, re: 129 Notice of Appeal as to Heriberto Batista Montijo. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 1/4/2023 Redacted Transcript Deadline set for 1/17/2023 Release of Transcript Restriction set for 3/14/2023. (SER) (Entered: 12/14/2022) |
| 12/14/2022 | 147 | TRANSCRIPT telephonic of Status Hearing for dates of February 14, 2022 held before Judge Sheri Polster Chappell, re: 129 Notice of Appeal as to Heriberto Batista Montijo. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 1/4/2023 Redacted Transcript Deadline set for 1/17/2023 Release of Transcript Restriction set for 3/14/2023. (SER) (Entered: 12/14/2022) |
| 12/14/2022 | 148 | TRANSCRIPT of telephonic Status Hearing for dates of March 14, 2022 held before Judge Sheri Polster Chappell, re: 129 Notice of Appeal as to Heriberto Batista Montijo. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 1/4/2023 Redacted Transcript Deadline set for 1/17/2023 Release of Transcript Restriction set for 3/14/2023. (SER) (Entered: 12/14/2022) |
| 12/14/2022 | 149 | TRANSCRIPT of telephonic Status Hearing for dates of May 9, 2022 held before Judge Sheri Polster Chappell, re: 129 Notice of Appeal as to Heriberto Batista Montijo. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 1/4/2023 Redacted Transcript Deadline set for 1/17/2023 Release of Transcript Restriction set for 3/14/2023. (SER) (Entered: 12/14/2022) |
| 12/14/2022 | 150 | TRANSCRIPT of telephonic Status Hearing for dates of June 6, 2022 held before Judge Sheri Polster Chappell, re: 129 Notice of Appeal as to Heriberto Batista Montijo. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 1/4/2023 Redacted Transcript Deadline set for 1/17/2023 Release of Transcript Restriction set for 3/14/2023. (SER) (Entered: 12/14/2022) |
| 12/14/2022 | 151 | TRANSCRIPT of Motion Hearing for dates of December 7, 2021 held before Judge Sheri Polster Chappell, re: 129 Notice of Appeal as to Heriberto Batista Montijo. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 1/4/2023 Redacted Transcript Deadline set for 1/17/2023 Release of Transcript Restriction set for 3/14/2023. (SER) (Entered: 12/14/2022) |
| 12/14/2022 | 152 | TRANSCRIPT of Sentencing Hearing for dates of October 25, 2022 held before Judge Sheri Polster Chappell, re: 129 Notice of Appeal as to Heriberto Batista Montijo. Court Reporter/Transcriber Stacey Raikes, Telephone number 239-461-2064. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 1/4/2023 Redacted Transcript Deadline set for 1/17/2023 Release of Transcript Restriction set for 3/14/2023. (SER) (Entered: 12/14/2022) |
| 12/14/2022 | 153 | NOTIFICATION that transcript has been filed by Stacey Raikes re: 129 Notice of Appeal as to Heriberto Batista Montijo USCA number: 22-13666 (SER) (Entered: 12/14/2022) |

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| 12/14/2022 | 154 | NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Heriberto Batista Montijo. Court Reporter: Stacey Raikes (SER) (Entered: 12/14/2022) |
| 12/22/2022 | 155 | NOTICE of Withdrawal of Request for Restitution by USA as to Heriberto Batista Montijo (Viacava, Yolande) (Entered: 12/22/2022) |
| 12/27/2022 | 156 | NOTICE canceling 1/18/2023 Restitution Hearing as to Heriberto Batista Montijo. (See NOTICE of Withdrawal of Request for Restitution by USA at Doc. 155). (AEH) (Entered: 12/27/2022) |
| 03/15/2023 | | Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Middle District of Florida certifies that the record is complete for purposes of this appeal re: 129 Notice of Appeal as to Heriberto Batista Montijo. All documents are imaged and available for the USCA to retrieve electronically. USCA number: 22-13666-AA. (LMF) (Entered: 03/17/2023) |

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CLOSED

**U.S. District Court
DISTRICT OF KANSAS (Wichita)
CRIMINAL DOCKET FOR CASE #: 6:21-cr-10016-EFM All Defendants**

Case title: USA v. Sporn

Date Filed: 03/23/2021

Magistrate judge case number: 6:21-mj-06027-GEB

Date Terminated: 02/13/2023

Assigned to: Chief District Judge Eric F. Melgren

Defendant (1)**Randy Sporn**

TERMINATED: 02/13/2023

represented by **Jennifer A. Amyx**

Federal Public Defender - Topeka
632 SW Van Buren Street, Suite 200
Topeka, KS 66603
785-232-9828
Fax: 785-232-9886
Email: Jennifer_Amyx@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender
Appointment

Lydia Krebs Albert

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender
Appointment

Mitch Erik Biebighauser

Office of Federal Public Defender - Wichita
850 Epic Center
301 North Main Street
Wichita, KS 67202
316-269-6170
Fax: 316-269-6175
Email: mitch_biebighauser@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender
Appointment

Pending Counts

18:2252A(a)(5)(B) Possession of child pornography
(INDICTMENT 3/23/2021)
(3)

Disposition

Defendant sentenced to 168 months in prison; lifetime of supervised release; \$100 special assessment fee; for count 3 \$7000 AVAA assessment cost

Highest Offense Level (Opening)

Felony

Terminated Counts

18:2251(a) Sexual exploitation of a child - production of child pornography (INDICTMENT 3/23/2021)
(1)

Disposition

Dismissed

18:2260A Commission of certain felonies while required to register as a sex offender (INDICTMENT 3/23/2021)
(2)

Dismissed

Highest Offense Level (Terminated)

Felony

Complaints

18:2251(a) Sexual Exploitation of a Child - Production of Child Pornography (COUNT 1); 18:2260A Commission of Certain Felonies While Required to Register as a Sex Offender (COUNT 2); 18:2252A(a)(5)(B) Possession of Child Pornography (COUNT 3) (COMPLAINT 03/12/2021)

Disposition**Plaintiff**

USA

represented by **Aaron L. Smith**
 Office of United States Attorney - Wichita
 301 N. Main Street, Suite 1200
 Wichita, KS 67202-4812
 316-269-6561
 Fax: 316-269-6484
 Email: aaron.smith3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason W. Hart
 Office of United States Attorney - Wichita
 301 N. Main Street, Suite 1200
 Wichita, KS 67202-4812
 316-269-6684
 Fax: 316-269-6484
 Email: jason.hart2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

| Date Filed | # | Docket Text |
|------------|--------------------|--|
| 03/12/2021 | 1 | COMPLAINT as to Randy Sporn (1). (jk) [6:21-mj-06027-GEB] (Entered: 03/12/2021) |
| 03/17/2021 | 2 | ARREST WARRANT returned executed on 3/17/2021 as to Randy Sporn. (jk) [6:21-mj-06027-GEB] (Entered: 03/17/2021) |
| 03/17/2021 | | ARREST of Randy Sporn. (jk) [6:21-mj-06027-GEB] (Entered: 03/17/2021) |
| 03/17/2021 | 3 | MINUTE ENTRY for proceedings held before Magistrate Judge Gwynne E. Birzer: RULE 5/INITIAL APPEARANCE as to Randy Sporn held on 3/17/2021 by Zoom. Detention Hearing set for 3/19/2021 at 01:30 PM before Magistrate Judge Gwynne E. Birzer by Zoom. Preliminary Hearing set for 3/31/2021 at 01:30 PM before Magistrate Judge Gwynne E. Birzer by Zoom. (Tape #1:33-1:43) (mam) [6:21-mj-06027-GEB] (Entered: 03/17/2021) |
| 03/17/2021 | 4 | CJA 23 FINANCIAL AFFIDAVIT by Randy Sporn. (mam) [6:21-mj-06027-GEB] (Entered: 03/17/2021) |
| 03/17/2021 | 5 | ORDER OF TEMPORARY DETENTION as to Randy Sporn. Signed by Magistrate Judge Gwynne E. Birzer on 3/17/2021. (mam) [6:21-mj-06027-GEB] (Entered: 03/17/2021) |
| 03/17/2021 | 6 | CONSENT TO APPEAR BY VIDEO OR TELEPHONE CONFERENCE for initial appearance, detention hearing and preliminary hearing as to Randy Sporn. (mam) [6:21-mj-06027-GEB] (Entered: 03/17/2021) |
| 03/17/2021 | 7 | Certificate of Compliance with Administrative Order 2020-9, Authorizing Counsel to Sign the Financial Affidavit as to Randy Sporn. (mam) [6:21-mj-06027-GEB] (Entered: 03/17/2021) |
| 03/17/2021 | 8 | ENTRY OF APPEARANCE by attorney Mitch E. Biebighauser appearing for Randy Sporn. (Biebighauser, Mitch) [6:21-mj-06027-GEB] (Entered: 03/17/2021) |
| 03/18/2021 | | NOTICE TO COUNSEL as to Randy Sporn - Pursuant to the Due Process Protections Act, the government is reminded of its obligations pursuant to Brady v. Maryland and its progeny to disclose material that is favorable to the defendant and material to defendants guilt or punishment. The failure to do so in a timely manner may include dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, or any other remedy that is just under the circumstances. (ala) [6:21-mj-06027-GEB] (Entered: 03/18/2021) |
| 03/19/2021 | 9 | MINUTE ENTRY for proceedings held before Magistrate Judge Gwynne E. Birzer: DETENTION HEARING as to Randy Sporn held on 3/19/2021 by Zoom. The Government's motion for detention is granted. Preliminary Hearing set for 3/31/2021 at 01:30 PM before Magistrate Judge Gwynne E. Birzer by Zoom. (Tape #1:40-2:28) (mam) [6:21-mj-06027-GEB] (Entered: 03/19/2021) |
| 03/23/2021 | 10 | INDICTMENT as to Randy Sporn (1) - counts 1-3. (mam) (Entered: 03/23/2021) |
| 03/30/2021 | 11 | ORDER OF DETENTION PENDING TRIAL as to Randy Sporn. Signed by Magistrate Judge Gwynne E. Birzer on 3/30/2021. (mam) (Entered: 03/30/2021) |
| 03/31/2021 | 12 | MINUTE ENTRY for proceedings held before Magistrate Judge Gwynne E. Birzer: ARRAIGNMENT as to Randy Sporn (1) held on 3/31/2021 by Zoom. Defendant's next appearance is before Judge Melgren per the Scheduling Order. (Tape #1:34-1:37) (mam) (Entered: 03/31/2021) |
| 03/31/2021 | 13 | CONSENT TO APPEAR BY VIDEO OR TELEPHONE CONFERENCE for arraignment as to Randy Sporn. (mam) (Entered: 03/31/2021) |

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| | | 03/31/2021) |
| 04/02/2021 | 14 | PRETRIAL AND CRIMINAL CASE MANAGEMENT ORDER ENTERED: as to Randy Sporn. Status Conference set for <u>5/10/2021 at 04:00 PM</u> in Wichita Room 414 (EFM) before District Judge Eric F. Melgren. Jury Trial set for <u>5/25/2021 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before District Judge Eric F. Melgren. Signed by District Judge Eric F. Melgren on 4/2/2021. (cm) (Entered: 04/02/2021) |
| 05/07/2021 | 15 | MOTION to Continue Pretrial Motions Deadline, Status Conference, and Jury Trial by Randy Sporn. (Biebighauser, Mitch) (Entered: 05/07/2021) |
| 05/10/2021 | 16 | ORDER granting 15 Motion for Continuance. Speedy trial tim excluded from 5/25/2021 until 8/17/2021 as to Randy Sporn (1). Motions due by 7/6/2021. Status Conference is reset for <u>8/2/2021 at 09:00 AM</u> in Wichita Room 414 (EFM) before District Judge Eric F. Melgren. Jury Trial is reset for <u>8/17/2021 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before District Judge Eric F. Melgren. Signed by District Judge Eric F. Melgren on 5/10/2021. (mam) (Entered: 05/10/2021) |
| 07/06/2021 | 17 | MOTION to Continue Pretrial Motions Deadline, Status Conference, and Jury Trial by Randy Sporn. (Biebighauser, Mitch) (Entered: 07/06/2021) |
| 07/06/2021 | 18 | ORDER granting 17 Motion for Continuance. Speedy trial time excluded from 8/17/2021 until 10/26/2021 as to Randy Sporn (1). Motions due by 9/7/2021. Status Conference is reset for <u>10/13/2021 at 09:30 AM</u> in Wichita Room 414 (EFM) before District Judge Eric F. Melgren. Jury Trial is reset for <u>10/26/2021 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before District Judge Eric F. Melgren. Signed by District Judge Eric F. Melgren on 7/6/2021. (mam) (Entered: 07/06/2021) |
| 09/07/2021 | 19 | MOTION to Continue Pretrial Motions Deadline, Status Conference, and Jury Trial by Randy Sporn. (Biebighauser, Mitch) (Entered: 09/07/2021) |
| 09/08/2021 | 20 | ORDER granting 19 Motion for Continuance. Speedy trial time excluded from 10/26/2021 until 11/23/2021 as to Randy Sporn (1). Motions due by 9/27/2021. Status Conference is reset for <u>11/8/2021 at 09:30 AM</u> in Wichita Room 414 (EFM) before District Judge Eric F. Melgren. Jury Trial is reset for <u>11/23/2021 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before District Judge Eric F. Melgren. Signed by District Judge Eric F. Melgren on 9/8/2021. (mam) (Entered: 09/08/2021) |
| 09/27/2021 | 21 | MOTION to Continue Pretrial Motions Deadline, Status Conference, and Jury Trial by Randy Sporn. (Biebighauser, Mitch) (Entered: 09/27/2021) |
| 10/01/2021 | 22 | ORDER granting 21 Motion for Continuance. Speedy trial time excluded from 11/23/2021 until 11/30/2021 as to Randy Sporn (1). Motions due by 10/27/2021. Status Conference is reset for <u>11/15/2021 at 10:15 AM</u> in Wichita Room 414 (EFM) before District Judge Eric F. Melgren. Jury Trial is reset for <u>11/30/2021 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before District Judge Eric F. Melgren. Signed by District Judge Eric F. Melgren on 10/1/2021. (mam) (Entered: 10/01/2021) |
| 10/22/2021 | 23 | NOTICE of Designation of Witness by USA as to Randy Sporn (Hart, Jason) (Entered: 10/22/2021) |
| 10/27/2021 | 24 | MOTION to Suppress by Randy Sporn. (Attachments: # 1 Exhibit 1A, # 2 Exhibit 1B, # 3 Exhibit 1C, # 4 Exhibit 2A, # 5 Exhibit 2B, # 6 Exhibit 2C, # 7 Exhibit 3A, # 8 Exhibit 3B, # 9 Exhibit 3C, # 10 Exhibit 4A, # 11 Exhibit 4B, # 12 Exhibit 4C, # 13 Exhibit 5A, # 14 Exhibit 5B, # 15 Exhibit 5C)(Biebighauser, Mitch) (Entered: 10/27/2021) |
| 11/09/2021 | 25 | MOTION for Extension of Time to File Response as to 24 MOTION to Suppress by USA as to Randy Sporn. (Hart, Jason) (Entered: 11/09/2021) |
| 11/09/2021 | 26 | NOTICE OF CANCELLED HEARING: STATUS CONFERENCE scheduled for 11/15/2021 and JURY TRIAL scheduled for 11/30/2021 as to Defendant Randy Sporn cancelled to be rescheduled upon ruling on outstanding motion. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 11/09/2021) |
| 11/09/2021 | 27 | ORDER granting 25 Motion for Extension of Time to File a Response as to Randy Sporn (1). United States' response date to 24 Defendant's Motion to Suppress is extended to 11/24/2021. Signed by District Judge Eric F. Melgren on 11/9/2021. (mam) (Entered: 11/09/2021) |
| 11/24/2021 | 28 | RESPONSE TO MOTION by USA as to Randy Sporn re 24 MOTION to Suppress (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Hart, Jason) (Entered: 11/24/2021) |
| 12/08/2021 | 29 | MOTION for Extension of Time to File a Reply as to 24 Motion to Suppress by Randy Sporn. (Biebighauser, Mitch) Modified on 12/8/2021 to re-link. (mam) (Entered: 12/08/2021) |
| 12/08/2021 | 30 | ORDER granting 29 Motion for Extension of Time to File a Reply to 24 Motion to Suppress as to Randy Sporn (1). Reply deadline 12/22/2021. Signed by Chief District Judge Eric F. Melgren on 12/8/2021. (mam) (Entered: 12/08/2021) |
| 12/22/2021 | 31 | REPLY TO RESPONSE TO MOTION by Randy Sporn re 24 MOTION to Suppress (Biebighauser, Mitch) (Entered: 12/22/2021) |
| 01/07/2022 | 32 | NOTICE OF HEARING ON MOTION as to Randy Sporn. THIS IS AN OFFICIAL NOTICE FOR THIS HEARING re 24 Motion to Suppress: (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) Motion Hearing set for <u>2/14/2022 at 01:00 PM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. (cm) (Entered: 01/07/2022) |
| 02/11/2022 | 33 | NOTICE OF COURTROOM CHANGE. Hearing re 32 Notice of Hearing on Motion, will be held in <u>Courtroom 161</u> as to Defendant Randy Sporn (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 02/11/2022) |
| 02/14/2022 | 34 | MINUTE ENTRY for proceedings held before Chief District Judge Eric F. Melgren: MOTION HEARING as to Randy Sporn held on 2/14/2022 re 24 MOTION to Suppress filed by Randy Sporn. (Court Reporter Jo Wilkinson) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 02/14/2022) |
| 02/15/2022 | 35 | MINUTE ENTRY for proceedings held before Chief District Judge Eric F. Melgren: MOTION HEARING continued as to Randy Sporn held on 2/15/2022. (Court Reporter Jo Wilkinson) (Attachments: # 1 Witness Sheet, # 2 Exhibit List) (cm) (Entered: 02/15/2022) |
| 03/04/2022 | 36 | MEMORANDUM AND ORDER denying 24 Defendant's Motion to Suppress as to Randy Sporn (1). Signed by Chief District Judge Eric F. Melgren on 3/4/2022. (mam) (Entered: 03/04/2022) |
| 03/04/2022 | 37 | NOTICE OF HEARING as to Defendant Randy Sporn THIS IS AN OFFICIAL NOTICE FOR THIS HEARING (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) Status Conference set for <u>3/10/2022 at 08:15 AM</u> in Wichita Room |

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| | | 414 (EFM) before Chief District Judge Eric F. Melgren. Jury Trial set for <u>3/15/2022 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren.(cm) (Entered: 03/04/2022) |
| 03/09/2022 | 38 | MOTION to Continue Status Conference and Jury Trial by Randy Sporn. (Biebighauser, Mitch) (Entered: 03/09/2022) |
| 03/09/2022 | 39 | ORDER granting 38 Motion for Continuance. Speedy trial time excluded from 3/15/2022 until 6/14/2022 as to Randy Sporn (1). Status Conference is reset for <u>6/1/2022 at 02:00 PM</u> in Wichita Room 414 (EFM) before Chief District Judge Eric F. Melgren. Jury Trial is reset for <u>6/14/2022 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. Signed by Chief District Judge Eric F. Melgren on 3/9/2022. (mam) (Entered: 03/09/2022) |
| 05/31/2022 | 40 | MOTION in Limine by USA as to Randy Sporn. (Hart, Jason) (Entered: 05/31/2022) |
| 06/01/2022 | 41 | MINUTE ENTRY for proceedings held before Chief District Judge Eric F. Melgren: STATUS CONFERENCE as to Randy Sporn held on 6/1/2022. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 06/01/2022) |
| 06/03/2022 | 42 | MOTION for leave to File Motion to Suppress Out of Time by Randy Sporn. (Biebighauser, Mitch) (Entered: 06/03/2022) |
| 06/03/2022 | 43 | ORDER granting 42 Motion for Leave Motion to Suppress Out of Time as to Randy Sporn (1). Motion to be filed no later than 6/10/2022. Signed by Chief District Judge Eric F. Melgren on 6/3/2022. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 06/03/2022) |
| 06/10/2022 | 44 | MOTION to Suppress <i>Custodial Statements</i> by Randy Sporn. (Biebighauser, Mitch) (Entered: 06/10/2022) |
| 06/13/2022 | 45 | NOTICE OF HEARING ON MOTION as to Randy Sporn. THIS IS AN OFFICIAL NOTICE FOR THIS HEARING 44 MOTION to Suppress <i>Custodial Statements</i> : (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) At the direction of Judge Eric F. Melgren, the Motion Hearing is set for <u>6/24/2022 at 01:30 PM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. (cm) (Entered: 06/13/2022) |
| 06/13/2022 | 46 | NOTICE OF CANCELLED HEARING: JURY TRIAL scheduled for 6/14/2022 as to Defendant Randy Sporn cancelled to be rescheduled upon ruling on motion to suppress. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 06/13/2022) |
| 06/14/2022 | 47 | RESPONSE TO MOTION by Randy Sporn re 40 MOTION in Limine (Biebighauser, Mitch) (Entered: 06/14/2022) |
| 06/21/2022 | 48 | ENTRY OF APPEARANCE: by attorney Lydia Krebs appearing for Randy Sporn (Krebs, Lydia) (Entered: 06/21/2022) |
| 06/23/2022 | 49 | RESPONSE TO MOTION by USA as to Randy Sporn re 44 MOTION to Suppress <i>Custodial Statements</i> (Hart, Jason) (Entered: 06/23/2022) |
| 06/24/2022 | 50 | MINUTE ENTRY for proceedings held before Chief District Judge Eric F. Melgren: MOTION HEARING as to Randy Sporn held on 6/24/2022 re 44 Motion to Suppress Custodial Statements. After hearing arguments and testimony from the witness, the Court stated a written order will be issued. The Court then discussed trial dates with the parties. The Court granted the oral motion to continue the jury trial to <u>8/29/2022 at 09:00 AM</u> in Wichita Courtroom 408 (EFM). For reasons as stated on the record, the Court finds additional time is necessary for counsel's effective preparation and due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the period of delay resulting from this continuance shall be excluded in computing time under Speedy Trial Act. Specifically the time from 6/24/2022 to the new trial setting of 8/29/2022 is excludable time. (Court Reporter Jo Wilkinson) (Attachments: # 1 Witness List) (mam) (Entered: 06/24/2022) |
| 07/06/2022 | 51 | MEMORANDUM AND ORDER granting 44 Motion to Suppress Custodial Statements as to Randy Sporn (1). Signed by Chief District Judge Eric F. Melgren on 7/5/2022. (mam) (Entered: 07/06/2022) |
| 08/02/2022 | 52 | TRIAL ORDER as to Randy Sporn. Estimated trial time 4 days; Jury Instructions/In Limine Conference set for <u>8/25/2022 at 01:30 PM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. See Order for additional trial filing deadlines. Signed by Chief District Judge Eric F. Melgren on 8/2/2022. (cm) (Entered: 08/02/2022) |
| 08/16/2022 | 55 | Unopposed MOTION for Early Disclosure of Juror Panel Information by Randy Sporn. (Biebighauser, Mitch) (Entered: 08/16/2022) |
| 08/16/2022 | 56 | Unopposed MOTION to Continue Jury Trial and Pretrial Deadlines by USA as to Randy Sporn. (Hart, Jason) (Entered: 08/16/2022) |
| 08/17/2022 | 57 | ORDER granting 56 Unopposed Motion to Continue Jury Trial Speedy trial time excluded from 8/29/2022 until 11/29/2022 as to Randy Sporn (1). Jury Trial is reset for <u>11/29/2022 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. Signed by Chief District Judge Eric F. Melgren on 8/17/2022. (mam) (Entered: 08/17/2022) |
| 08/17/2022 | 58 | NOTICE OF CANCELLED HEARING: Pretrial/Limine/Jury Instructions conference set for 8/25/2022 as to Defendant Randy Sporn cancelled. All additional deadlines set out in the Trial Scheduling Order, DE 52, have been vacated and will be reset at a later date. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 08/17/2022) |
| 10/17/2022 | 59 | ENTRY OF APPEARANCE by attorney Jennifer A. Amyx appearing for Randy Sporn. (Amyx, Jennifer) (Entered: 10/17/2022) |
| 10/17/2022 | 60 | MOTION for leave to File Motion to Suppress Out of Time by Randy Sporn. (Attachments: # 1 Exhibit A - Defendant's Second Motion to Suppress)(Amyx, Jennifer) (Entered: 10/17/2022) |
| 10/19/2022 | 61 | MEMORANDUM AND ORDER denying 60 MOTION for leave to File Motion to Suppress Out of Time as to Randy Sporn (1). Signed by Chief District Judge Eric F. Melgren on 10/19/2022. (kas) (Entered: 10/19/2022) |
| 10/28/2022 | 62 | (DISREGARD) -- TRIAL ORDER as to Randy Sporn. Estimated trial time 4 days. In Limine/Pretrial/Jury Instructions Conference set for <u>11/23/2022 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. Signed by Chief District Judge Eric F. Melgren on 10/28/2022. (cm) Modified on 10/28/2022 per EFM chambers. (mam) (Entered: 10/28/2022) |
| 10/28/2022 | 63 | TRIAL ORDER as to Randy Sporn. Estimated trial time 4 days; In Limine/Pretrial/Jury Instructions Conference set for <u>11/23/2022 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. Signed by Chief District Judge Eric F. Melgren on 10/28/2022. (cm) (Entered: 10/28/2022) |
| 11/09/2022 | 64 | ORDER granting 55 Motion to Disclose jury panel information as to Randy Sporn (1). Information will be available on or about 11/22/2022. Signed by Chief District Judge Eric F. Melgren on 11/9/2022. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 11/09/2022) |

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| 11/10/2022 | 65 | NOTICE OF INTENT TO CHANGE PLEA and NOTICE OF HEARING. The defendant Randy Sporn has notified the court as of this date that he intends to change his plea. The time from this notice until the change of plea hearing (including any continuances) is excludable time for speedy trial purposes. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) Change of Plea Hearing set for <u>11/21/2022 at 09:00 AM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. (cm) (Entered: 11/14/2022) |
| 11/21/2022 | 66 | MINUTE ENTRY for proceedings held before Chief District Judge Eric F. Melgren: CHANGE OF PLEA HEARING as to Randy Sporn held on 11/21/2022. SENTENCING set for <u>2/13/2023 at 10:00 AM</u> in Wichita Courtroom 408 (EFM) before Chief District Judge Eric F. Melgren. (Court Reporter Jo Wilkinson) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 11/21/2022) |
| 11/21/2022 | 67 | NOTICE OF CANCELLED HEARING: IN LIMINE/JURY INSTRUCTIONS conference scheduled for 11/23/2022 and JURY TRIAL scheduled for 11/29/2022 as to Defendant Randy Sporn cancelled. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 11/21/2022) |
| 11/21/2022 | 68 | PETITION TO ENTER PLEA OF GUILTY AND ORDER ENTERING PLEA as to Randy Sporn (1) Count 3. Signed by Chief District Judge Eric F. Melgren on 11/21/2022. (kas) (Entered: 11/21/2022) |
| 11/21/2022 | 69 | PLEA AGREEMENT as to Randy Sporn re 68 Petition and Order to Enter Plea of Guilty. (kas) (Entered: 11/21/2022) |
| 12/28/2022 | 70 | MOTION for <i>Preliminary Order of</i> Forfeiture of Property by USA as to Randy Sporn. (Smith, Aaron) (Entered: 12/28/2022) |
| 01/03/2023 | 71 | PRELIMINARY ORDER OF FORFEITURE granting 70 Motion for Preliminary Order of Forfeiture of Property as to Randy Sporn (1). Signed by Chief District Judge Eric F. Melgren on 1/3/2023. (ca) (Entered: 01/03/2023) |
| 02/07/2023 | 72 | PRESENTENCE INVESTIGATION REPORT as to Randy Sporn. (NOTE: Access to this document is restricted to the USA and this defendant.) (USPO) (Entered: 02/07/2023) |
| 02/13/2023 | 73 | MINUTE ENTRY for proceedings held before Chief District Judge Eric F. Melgren: SENTENCING HEARING held on 2/13/2023 as to defendant Randy Sporn. (Court Reporter Jo Wilkinson) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (cm) (Entered: 02/13/2023) |
| 02/13/2023 | 74 | JUDGMENT as to Randy Sporn (1) - Count 3: Defendant sentenced to 168 months in prison; lifetime of supervised release; \$100 special assessment fee; for count 3 \$7000 AVAA assessment cost. Counts 1, 2 dismissed on motion of the United States. Signed by Chief District Judge Eric F. Melgren on 2/13/2023. (ca) (Entered: 02/13/2023) |
| 02/13/2023 | 75 | STATEMENT OF REASONS as to Randy Sporn re 74 Judgment. (NOTE: Access to this document is restricted to the USA and this defendant.) (ca) (Entered: 02/13/2023) |
| 03/28/2023 | 76 | SERVICE BY PUBLICATION filed by USA as to Randy Sporn. Last publication date February 3, 2023. (Attachments: # 1 Attachment 1) (Smith, Aaron) (Entered: 03/28/2023) |
| 03/28/2023 | 77 | CERTIFICATE OF SERVICE by USA as to Randy Sporn (Smith, Aaron) (Entered: 03/28/2023) |
| 03/28/2023 | 78 | CERTIFICATE OF SERVICE by USA as to Randy Sporn (Smith, Aaron) (Entered: 03/28/2023) |
| 07/17/2023 | 79 | JUDGMENT RETURNED EXECUTED as to Randy Sporn on 7/06/2023. (jk) (Entered: 07/17/2023) |
| 09/01/2023 | 80 | TRANSCRIPT of Motion Hearing Volume I held February 14, 2022, as to Randy Sporn before Judge Eric F. Melgren, Court Reporter Jo Wilkinson, redwoof58@yahoo.com. Transcript purchased by: Norton Law Firm, Oakland, CA. Volume: I. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ksd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Release of Transcript Restriction set for 11/30/2023. (Wilkinson, Johanna) (Entered: 09/01/2023) |
| 09/01/2023 | 81 | TRANSCRIPT of Motion Hearing Volume II held February 15, 2022, as to Randy Sporn before Judge Eric F. Melgren, Court Reporter Jo Wilkinson, redwoof58@yahoo.com. Transcript purchased by: Norton Law Firm, Oakland, CA. Volume: II. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ksd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Release of Transcript Restriction set for 11/30/2023. (Wilkinson, Johanna) (Entered: 09/01/2023) |

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